

United States District Court

WESTERN DISTRICT TEXAS

FILED

FEB 6 2006

UNITED STATES OF AMERICA

V.

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASBY
DEPUTY CLERK

CRIMINAL COMPLAINT

Juan Aguayo

CASE NUMBER: EP:06-m-00648 mc

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about February 12th, 2005 in El Paso county, in the Western District of Texas defendant(s) did, (Track Statutory Language of Offense)

Unlawfully travel in foreign commerce with the intent to avoid prosecution for the crime of Aggravated Sexual Assault and Aggravated Kidnapping under the laws of the State of Texas.

in violation of Title 18 United States Code, Section(s) 1073.

I further state that I am a(n) Deputy U. S. Marshal and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part of this complaint: X Yes No

Signature of Complainant

Sworn to before me and subscribed in my presence,

February, 6th 2006
Dateat El Paso, Texas
City and StateHonorable Michael S. McDonald Magistrate Judge
Name & Title of Judicial Officer
Signature of Judicial Officer

1.

AFFIDAVIT

Juan Aguayo

On Wednesday, February 9, 2005, at approximately 7:35am, El Paso Police Officers were dispatched to a residence within the city of El Paso, Texas, in reference to an aggravated sexual assault and aggravated kidnapping. Responding Officers conducted an investigation which revealed that on Tuesday, February 8, 2005, at approximately 3:40pm, the victim, was walking from the Sunland Park mall to her vehicle. When she entered the vehicle, Juan Aguayo entered the back seat of the car, through the trunk in which that he had been hidden. Juan Aguayo, who was a former boyfriend of the victim, had been arrested in December of 2004 for assaulting her and a protective order had been issued. Aguayo then drove her to a secluded area by Via Serena and Luz De Camino streets in El Paso, Texas and proceeded to rape her. At one point, the victim stated that Aguayo showed her a knife and said that it was not for her but for anyone that got in his way. The victim was taken back to her house the following day at approximately 6:30am.

Juan Aguayo was charged by the El Paso County 384th District court with Aggravated Kidnapping, Aggravated Sexual Assault, and Violation of a protection order. All offenses are classified as felony offenses in the state of Texas. A warrant for arrest was issued by Judge Munoz, El Paso County Municipal Court Magistrate, commanding the Sheriff or any Law Enforcement Officer of El Paso County to take the body of Juan Aguayo, to answer the State of Texas, for an offense against the laws of said state.

On February 10th, 2005, Juan Aguayo was arrested by the El Paso Police Department and released on a \$140,000 bond, which was secured paying \$15,000. Juan Aguayo has not complied with his conditions of release and has failed to appear for any court hearings pertaining to this case. Since his release, Juan Aguayo has made numerous threatening phone calls to the victim's house using an international calling card. Aguayo threatened the victim's family with bodily harm if they did not drop the charges against him.

On January 20th, 2006, the El Paso County District Attorney's Office contacted the United States Marshals Service, El Paso Division, and requested assistance in locating and apprehending fugitive Juan Aguayo.

United States Marshals Service, El Paso Division, through confidential sources, received information that Aguyao had been seen at a nightclub named Derbys in the city of Juarez, Mexico. Juan Aguayo is a citizen of Mexico and has family in Chihuahua Mexico.

Through their investigation, the United States Marshals Service, El Paso Division, has exhausted all leads and believes that Juan Aguayo is no longer residing in the El Paso, Texas area.